

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JACK A. CLAYBORNE,

Plaintiff,

vs.

Case No. 22-C-0095

DOCTOR GODIWALLA, CHRISTINA ANN  
STETCHER BORYCZKA, DEBRA KNISBECK,  
WELLPATH MEDICAL PROVIDER, SERGEANT  
J. POLSIN, SGT. KUEHL, DEPUTY JAIL  
ADMINISTRATOR HUNDT, JAIL ADMINISTRATOR  
BRUGGER,

Defendants.

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**DOCTOR GODIWALLA, CHRISTINA ANN STETCHER BORYCZKA  
AND DEBRA KNISBECK'S ANSWER TO COMPLAINT**

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NOW COME the above-named defendants, Doctor Godiwalla, Doctor Christina Ann Borczyk and Debra Knisbeck, by their attorneys, Kopka, Pinkus and Dolin PC and as and for an answer to the complaint, hereby admit, deny and allege to the court as follows:

**A. PARTIES**

1. Answering paragraph 1, upon information and belief admit the allegations contained therein.
2. Answering paragraph 2, upon information and belief admit the allegations contained therein.

**B. STATEMENT OF CLAIM**

1. Answering paragraph 1, these answering defendants deny the information sufficient to a form of belief as to the allegations contained therein except to deny that the medical care

provided by Doctor Godiwalla, Dr. Borczyk and Debra Knisbeck constitute medical malpractice or deliberate indifference or objectively unreasonable care for the health care problems that plaintiff presented with; further deny that any of these answering defendants violated the plaintiff's 14<sup>th</sup> Amendment or other civil rights in any respect.

### **C. JURISDICTION**

1. These answering defendants do not contest the subject matter jurisdiction of the court to hear this matter.

### **D. RELIEF REQUESTED**

1. These answering defendants deny that the plaintiff is entitled to a temporary or permanent injunction against any of the health care defendants. Further deny that any of these answering defendants are liable to the plaintiff for monetary damages, including compensatory, nominal or punitive damages, in any respect.

### **AFFIRMATIVE DEFENSES**

As and for affirmative defenses, these answering defendants, Doctor Godiwalla, Dr. Borczyk and Debra Knisbeck, hereby allege and show to the Court as follows:

1. That the Plaintiff has failed to acquire personal jurisdiction over the Defendants, Doctor Godiwalla, Dr. Borczyk and Debra Knisbeck, by virtue of failing to properly effectuate service of process of the Summons and Complaint upon them.

2. That the Plaintiff's Complaint should be dismissed due to Plaintiff's failure to exhaust administrative remedies.

3. To the extent the State Defendants are named in their personal capacities, all or portions of the Plaintiff's Complaint must be dismissed pursuant to the Doctrine of Qualified Immunity.

4. That any claims for monetary damages in this case are limited under the provisions of 42 USC §1997(e)(e).

5. That at all times relevant to the matters plead in the Plaintiff's Complaint, Doctor Godiwalla, Dr. Borczyk and Debra Knisbeck acted in good faith and in accordance with established laws and administrative rules.

6. That all or a portion of the Plaintiff's claims are subject or are barred by the Doctrines of Comparative Negligence, Contributory Negligence, and/or Superseding Cause.

7. That, to the extent the Plaintiff has failed to mitigate his damages, his damages should be reduced accordingly.

8. That the plaintiff's claims for medical malpractice are barred due to his failure to comply with the requirements of Chapter 655 Wisconsin Statutes.

WHEREFORE these answering defendants, Doctor Godiwalla, Dr. Borczyk and Deborah Knisbeck, hereby demand judgment, dismissing the plaintiff's complaint, upon its merits, with prejudice and together with all costs and disbursements allowed by law and for whatever other relief the court deems just and equitable.

Dated: February 10, 2023.

KOPKA PINKUS DOLIN PC  
Attorneys for Defendants

By: electronically signed by Paul J. Pytlik  
Paul J. Pytlik  
State Bar No. 1001127

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